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Attorneys for Plaintiffs
HYOSUNG (AMERICA), INC. and
NAUTILUS HYOSUNG INC.

FILED
JUL - 6 2011
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

HYOSUNG (AMERICA), INC. and NAUTILUS
HYOSUNG INC.,

Plaintiffs,

v.

HANTLE, INC. (fka Hantle USA, Inc.),
GENMEGA, INC. (fka Huin, Inc.),
WON GEE LEE, and MYUNG WON SUH,

Defendants.

Case No. CV-10-2160-SBA (NJV)

**STIPULATION AND [PROPOSED]
ORDER PERMITTING
SUBSTITUTION OF PARTIES**

Judge: Hon. Sandra B. Armstrong

WHEREAS Plaintiff Hyosung (America), Inc. has assigned its claims and liabilities related to this action to Nautilus Hyosung America, Inc., which has thus become the successor to the claims and liabilities of Hyosung (America), Inc. related to this action;

WHEREAS the parties have agreed that Nautilus Hyosung America, Inc. will be substituted into the above-captioned case as the successor to Hyosung (America), Inc. pursuant to Rule 25(c) of the Federal Rules of Civil Procedure;

1 WHEREAS Plaintiffs have agreed that all information, including hard copy and electronic
2 documents, within the possession, custody or control of Hyosung (America), Inc. that is
3 reasonably calculated to lead to the discovery of admissible evidence regarding any party's claim
4 or defense in this action have been preserved and transferred to Nautilus Hyosung America, Inc.,
5 which will be subject to discovery as a party;

6 WHEREAS Plaintiffs have agreed that T.J. Park, the Finance Manager of Hyosung
7 (America), Inc., whom Plaintiffs identified in their Initial Disclosures, will be made available for
8 deposition in California as long as he remains an employee of a company affiliated with
9 Plaintiffs, which Plaintiffs expect to continue at least until the end of 2011.

10 IT IS HEREBY STIPULATED by and between the parties hereto and their respective
11 attorneys of record as follows:

12 (1) Pursuant to Rule 25(c) of the Federal Rules of Civil Procedure, Nautilus Hyosung
13 America, Inc., appearing through its undersigned counsel, shall be substituted as real party in
14 interest for Plaintiff Hyosung (America), Inc.

15 (2) All documents within the possession, custody or control of Hyosung (America),
16 Inc. that are reasonably calculated to lead to the discovery of admissible evidence regarding any
17 party's claim or defense in this action have been transferred to Nautilus Hyosung America, Inc.,
18 which will preserve those documents throughout the pendency of this litigation (including any
19 appeals) unless otherwise ordered by the Court or agreed to in writing by all parties and which
20 will be subject to discovery as a party.

21 (3) T.J. Park, the Finance Manager of Hyosung (America), Inc. will be made available
22 for deposition in California as long as he remains an employee of a company affiliated with
23 Plaintiffs. If it becomes known to Plaintiffs that T.J. Park's employment will be terminated,
24 whether by Mr. Park or his employer, Plaintiffs shall give Defendants sufficient notice thereof to
25 permit Defendants to depose Mr. Park before his employment ends.

26 The parties request that the Court enter this Proposed Order substituting Nautilus Hyosung
27 America, Inc. for Hyosung (America), Inc. as a plaintiff in the above-captioned action.

28 In addition to stipulating to the above, I, Grant L. Kim, attest that concurrence in the filing

1 of this Stipulation has been obtained from Kristin S. Cornuelle, Counsel for Defendants Hantle,
2 Inc., Won Gee Lee, and Myung Won Suh, and from Rocky C. Tsai, Counsel for Defendant
3 Genmega, Inc.

4
5 Dated: June 30, 2011

ADAM A. LEWIS
GRANT L. KIM
ALISON M. TUCHER
BARBARA N. BARATH
MORRISON & FOERSTER LLP

6
7
8 By: /s/ Grant L. Kim
Grant L. Kim

9 Attorneys for Plaintiffs
10 HYOSUNG (AMERICA), INC.
NAUTILUS HYOSUNG, INC.
11 and for
NAUTILUS HYOSUNG AMERICA,
12 INC.

13 Dated: June 30, 2011

MATTHEW H. POPPE
KRISTIN S. CORNUELLE
JACOB A. SNOW
ORRICK, HERRINGTON & SUTCLIFFE
15 LLP

16 By: /s/ Kristin S. Cornuelle [as authorized]
Kristin S. Cornuelle

17 Attorneys for Defendants
18 HANTLE, INC. [fka Hantle USA, Inc.]
WON GEE LEE
19 MYUNG WON SUH

20 Dated: June 30, 2011

MICHAEL LI-MING WONG
THAD A. DAVIS
ROCKY C. TSAI
21 ROPES & GRAY LLP

22 By: /s/ Rocky C. Tsai [as authorized]
Rocky C. Tsai

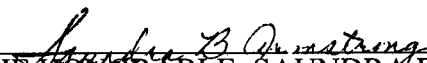
23
24 Attorneys for Defendant
GENMEGA, INC.

25 The filing attorney, by filing this document, certifies that he has the authorization of the
26 remaining attorneys to file this over their electronic signatures.
27
28

~~[PROPOSED]~~ Order

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 7/6/11

By: 
THE HONORABLE SAUNDRA B. ARMSTRONG
UNITED STATES DISTRICT JUDGE